

# **Town Board Minutes**

**Meeting  
No. 30**

**Regular Meeting**

**October 1, 2007**

# **Town Board Minutes**

October 1, 2007

Meeting No. 30

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 1<sup>st</sup> day of October 2007 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the water improvement contract matter, a particular personnel matter in the Highway Department and litigation related to the site plan denial for property at 4849 Transit Road.

At 10:50 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- 2008 Budget
- property at 3949 Walden Avenue
- wetlands in Windsor Ridge South Subdivision

**Lukowski, Donna**, 129 Brunck Road, spoke to the Town Board on the following matter:

- Windsor Ridge South Subdivision elevations

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- cost for milling & resurfacing of Town roads

**Gull, Hank**, 710 Pavement Road, spoke to the Town Board on the following matter:

- property at 3949 Walden Avenue

**Fichter, Bill**, 655 Harris Hill Road, spoke to the Town Board on the following matter:

- abandoned house next to his home

**Korecz, Richard**, 4946 William Street, spoke to the Town Board on the following matter:

- contract for tree stump removal and ground restoration
- tree stumps on County right-of-way
- alleged violations of the Town Code at 470 Aurora Street

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- building permits
- membership of Emergency Management team

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Octane Enterprises for a Special Use Permit for a used automobile sales business on premises located at 5151 Genesee Street, Lancaster, New York.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
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None

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:31 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

October 1, 2007

**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Tony Scirri for a Special Use Permit for a used automobile sales on premises located at 6497 Transit Road, Bowmansville, New York.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Tony Scirri, petitioner	6497 Transit Road	Proponent
Ira Culpa	12 Ravenwood Drive	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, the public hearing was closed at 8:42 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

October 1, 2007

**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:42 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster designated as Chapter 46 regarding speed regulations on Lake Avenue.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Rebecca Anderson	493 Lake Avenue	Proponent
Gary Howell	48 Park Blvd	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was closed at 8:44 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

October 1, 2007

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
September 17, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the General Crew Chief by letter dated September 14, 2007, has requested the appointment of three (3) full-time temporary laborers in the Parks, Recreation and Forestry Department of the Town of Lancaster to assist in outdoor maintenance, including repairs to the Westwood Park Nature Trail from damage sustained in the storm of October 2006 and more importantly a fall tree planting, also a result of the storm of October 2006.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be and are hereby appointed to the position of laborer, full-time temporary in the Parks, Recreation and Forestry Department of the Town of Lancaster effective October 2, 2007 through November 21, 2007, with no benefits at the following hourly rates:

<u>NAME</u>	<u>RATE</u>
Jeffrey Au (rehire) 3 Country Place, Lancaster	\$8.15 per hour
Michael Kotwicki (rehire) 246 Stony Road, Lancaster	\$7.65 per hour
Nicholas Pokorski (rehire) 703 Pleasant View Drive, Lancaster	\$7.65 per hour

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has recommended to the Town Board that Wednesday, October 31, 2007 between the hours of 6:00 P.M. and 8:30 P.M. be set for the observance of Halloween "Trick or Treat" within the Town of Lancaster.

**WHEREAS**, the Lancaster Village Board will designate this date and time for observance within the Village limits.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster, hereby declares Wednesday, October 31, 2007, between the hours of 6:00 P.M. and 8:30 P.M., as the official period during which Halloween "Trick or Treat" activities may be observed within the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

File: RPR (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of  
accepting new members to the roster of the Emergency Management Team.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the following new members of the Emergency Management Team:

**ACTIVE MEMBERS**

Denis Paufler	Donald Czapl	John Freiberg
85 Fairelm Ln	100 Ahepa Dr Apt.307	75 Markey Ave
Cheektowaga, New York	Cheektowaga, New York	Lancaster, New York

**AGENCY REPRESENTATIVES**

Carmen Ciccarelli	Jim Nusall
305 Westwood Rd	Vill. Of Depew Emergency Coordinator
Lancaster, New York	

Arthur Domino	Jim Glass
Asst. Depew Emergency Coordinator	Erie County Emergency Services

**BE IT FURTHER**

**RESOLVED**, that the following members have been removed from the  
membership roster:

James Miller  
John Robinson  
Todd Rzeszutek

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

file: R\FIRE (P7)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster awarded a contract for milling and resurfacing town roads to wit: Partridge Walk, Squirrel Run and West Home Road, to Occhino Corporation by Town Board resolution on July 2, 2007 in the sum of \$71,310, and

**WHEREAS**, in the course of completing the project it was determined that additional materials were needed to properly contour these roads with respect to the crown of such roads, such increase in materials having been reviewed and approved by the Town Engineer, and

**WHEREAS**, the Town Board has fully reviewed and considered the circumstances involving the need for the increase in materials and additional labor to complete the paving in a workmanlike and satisfactory manner, and

**WHEREAS**, materials and labor under the contract specifications were bid at a unit price thereby permitting the Town Engineer to determine the additional cost by calculating the additional materials, work and time needed to complete the project;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes payment of the final invoice to Occhino Corporation, 2650 Seneca Street, West Seneca, New York for work performed under contract with the Town for the milling and resurfacing of Partridge Walk, Squirrel Run and West Home Road, the total to be paid to Occhino Corporation, being the sum of \$88,463.76 pursuant to invoice which has been received, documented and approved by the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

File: millingandrepavingroads1007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a Public Hearing was held on the 1st day of October, 2007, for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting the Town Board of the Town of Lancaster held on October 1, 2007;
3. That a Certified Copy thereof be published in the Lancaster Bee on October 4 2007,
4. That a Certified copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

File: rvtordchpt46speedlimitlakeavenue907a

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations**

**§46-9. Maximum speed limits.**

D. A speed limit of 35 miles per hour shall be posted on the following designated highways:

.....  
(11) Lake Avenue, for northbound and southbound traffic between William Street and its southern terminus.

October 1, 2007

**STATE OF NEW YORK :  
COUNTY OF ERIE :  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 1st day of October, 2007, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 1<sup>st</sup> day of October, 2007.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

File: rvtordchpt46speedlimitlakeavenue907a

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids for the removal of tree stumps and ground restoration in the Town of Lancaster, and

**WHEREAS**, bids were received, opened and reviewed on September 27, 2007, and

**WHEREAS**, the General Crew Chief, by letter dated September 27, 2007, has recommended award of the bid to Professional Tree Care Inc., P.O. Box 344, Lancaster, New York, being the lowest responsible bidder in the amount of \$17,820., and

**WHEREAS**, additionally, as part of the bid, the Town requested a price for complete stump grinding and restoration that may be added for work that was not part of the original lump sum bid. This pricing schedule is as follows:

Less than 6" in diameter - \$27.00

Between 6" and 16" diameter - \$30.00

Between 17" and 31" in diameter - \$33.75

Between 32" and 72" in diameter - \$36.25

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the bid for the removal of tree stumps and ground restoration in the Town of Lancaster, to Professional Tree Care Incorporated in the amount of \$17,820. being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, DJC Land, Inc., 2635 Millersport Highway, Getzville, New York 14068 has heretofore applied for approval of a single family residential subdivision to be known as "Wainwright Court Subdivision" located on Wainwright Court in the Town of Lancaster, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision as prepared by Greenman-Pedersen, Inc. dated August 28, 2007 and filed with the Town Clerk on September 19, 2007 for the subdivision to be known as "Wainwright Court" for filing in the Erie County Clerk's office.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 10594 to Claim No. 10783 Inclusive

Total amount hereby authorized to be paid: \$462,416.87

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

15086	Bugenhagen, Douglas	1312 Ransom Rd	Er. Shed	
15087	Duro-Shed Inc	194 Ransom Rd	Er. Shed	
15088	Valvo, Joseph	37 Partridge Walk	Er. Shed	
15089	Bologna, Joseph	55 Nichter Rd	Er. Shed	
15090	City Fence Inc	175 Pleasant View Dr	Er. Fence	
15091	Liberty Concrete	170 Pleasant View Dr	Er. Garage	
15092	City Fence Inc	44 Old Post Rd	Er. Fence	
15093	O'Neill, Daryl	3 St Anthony St	Er. Deck	
15094	Gulino Electric	28 Nicholas Ln	Inst. Generator	
15095	Swimeo Mfg	15 Heathrow Ct	Er. Pool-In Grid	
15096	Swimeo Mfg	15 Heathrow Ct	Er. Fence	
15097	Duro-Shed Inc	41 Sawgrass Ln	Er. Shed	
15098	Zglinicki, Ronald	318 Stony Rd	Er. Garage	
15099	Frey's Furniture	1062 Townline Rd	Er. Shed	
15100	Oun, David	5637 Genesee St	Er. Res. Add.	
15101	Nowak, James	12 Ashwood Ct	Er. Shed	
15102	Marchewka, Richard	282 Erie St	Er. Garage	
15103	Namiotko, Holly	844 Townline Rd	Repl. Roof	
15104	A Lund Construction	5548 Broadway	Repl. Roof	(V/L)
15105	Beauty Pools Inc	6 Avian Way	Er. Fence	
15106	Beauty Pools Inc	6 Avian Way	Er. Shed	
15107	Marrano/Marc Equity	1 Carlisle St	Er. Dwlg.-Sin.	
15108	Marrano/Marc Equity	1 Pelham Rd	Er. Dwlg.-Sin.	
15109	Lovelace, Michael	50 Michael Anthony	Er. Fence	
15110	Decks Etc, Inc	13 Red Clover Ln	Er. Deck	
15111	Mercado, Antonio	92 Kennedy Ct	Er. Shed	
15112	Advision	4401 Walden Ave	Er. Sign	
15113	S & A Debris Removal	15 Brandel Ave	Dem. Garage	(V/L)
15114	Sun Enterprises	149 Robert Dr	Er. Shed	(V/L)
15115	Schuster Construction	45 Richmond Ave	Er. Res. Add.	(V/L)
15116	Tanner Remodeling	27 Stony Brook Dr	Er. Res. Add.	
15117	Bosse, William	427 Ransom Rd	Er. Dwlg.-Sin.	

15118	Colley's Pool Sales	32 Creekwood Dr	Er. Fence	
15119	Colley's Pool Sales	32 Creekwood Dr	Er. Pool-In Grnd	
15120	Panicali, Richard	1302 Townline Rd	Er. Res. Add.	
15121	Gibson Properties	5915 Broadway	Er. Sign-Temp	
15122	Sun Enterprises	14 Chicory Ln	Er. Shed	
15123	Prowse, Steven	531 Ransom Rd	Er. Pole Barn	
15124	Jagord, Lawrence	10 Pershing Ave	Er. Deck	(V/L)
15125	Ziemba, Carl	46 Summerfield Dr	Er. Fence	
15126	Duro-Shed Inc	6 Via Tripodi	Er. Shed	
15127	M & H Construction	4444 Walden Ave	Er. Comm. Add.	
15128	Ratajczyk, Jeremy	29 Madison St	Er. Res. Alt.	(V/L)
15129	Natale Building Corp	60 Nicholas Ln	Er. Dwlg.-Sin.	
15130	DQ Grill & Chill	6711 Transit Rd	Er. Comm. Bldg.	
15131	Marrano/Marc Equity	2 Pelham Rd	Er. Dwlg.-Sin.	
15132	Sun Enterprises	12 Beatrix Cir	Er. Shed	
15133	Becker, William	37 Southpoint Dr	Er. Shed	
15134	Colley's Pool Sales Inc	19 Red Clover Ln	Er. Pool-In Grnd	
15135	Colley's Pool Sales Inc	19 Red Clover Ln	Er. Fence	
15136	Moeller Sign & Service	4779 Transit Rd	Er. Sign	
15138	Hoyden, David	14 Muirfield Ln	Er. Shed	
15139	Wojcik, Paul	75 Holland Ave	Inst. Roof	(V/L)
15140	Capital Fence Co Inc	59 Sussex Ln	Er. Fence	

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant funds for the year 2008-2009 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposal to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of October, 2007, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

**NOTICE OF PUBLIC HEARING  
NOTICE TO CITIZENS  
OF THE  
TOWN OF LANCASTER**

A Public Hearing will be held on the 15th day of October 2007, at 8:30 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by October 9, 2007.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By:

**JOHANNA M. COLEMAN  
Town Clerk**

October 1, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO. WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Niagara Generation, LLC, ((NI-GEN), 5300 Frontier Avenue, Niagara Falls, New York, has offered a proposal to the Town under which Niagara Generation will pick up wood product generated by the Town including green wood such as tree trimmings, branches, limbs and stumps together with any unadulterated wood product associated with construction debris at no cost to the Town for use as fuel in a converted coal fueled 50 mega watt power plant in Niagara County, and

**WHEREAS**, Niagara Generation, LLC, has also requested that the Town consider setting aside three (3) acres at the Highway garage at the Town Center, 525 Pavement Road for private companies to deposit tree trimmings, branches, limbs and stumps which material Niagara Generation, LLC will pick up at no cost to the Town, and

**WHEREAS**, principals of Niagara Generation, I.L.C. have made a presentation to the Town Board in which they described the details of NI-GEN's power plant in Niagara County to a combination wood and tire fueled conversion of a 50 megawatt coal fired generating plant producing approximately 50 megawatts of power which conversion causes much less pollution resulting in a positive impact on the environment while generating the same power, and

**WHEREAS**, the Town Board deems it in the public interest after due review and consideration to enter into a contract whereby the Town can dispose of the green wood waste collected by the Town in the nature of tree trimmings, branches, limbs and stumps which is generated by the Town and its residents and further deems it in the public interest to make three (3) acres available as a depository site for private entities who are involved in tree care, tree trimming and removal so that such material can also be recycled at no cost to the Town through the Niagara Generation, I.L.C power plant in Niagara County;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Niagara Generation, LLC., 5300 Frontier Avenue, Niagara Falls, New York 14304 by which agreement the Town will supply the wood and bio-mass waste to Niagara Generation, LLC, and will further provide a three (3) acre depository site at the Town Center at 525 Pavement Road, Lancaster, New York for the purpose of private entities disposing of wood waste only which will provide a waste stream which can be used by Niagara Generation, I.L.C at its converted coal to wood and tire fueled generating station at 5300 Frontier Avenue, Niagara Falls, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 1, 2007

## COMMUNICATIONS & REPORTS:

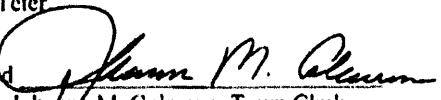
484. Town of Brant to Town Board -  
Transmittal of resolution supporting the efforts of the Animal Alliance of Western New York and the Erie County SPCA. DISPOSITION = Received and Filed
485. Town Clerk to Erie County Department of Finance -  
Transmittal of 2007 Final County Tax Settlement. DISPOSITION = Received and Filed
486. Erie County Department of Environment & Planning to Supervisor, Town Clerk -  
Notice designating November 1 - 30, 2007 as period to request inclusion to a certified agricultural district. DISPOSITION = Received and Filed
487. Charles E. Schumer, U.S. Senator to Supervisor -  
Notice that Environmental Protection Agency is accepting applications for funding through the Brownfields Assessment and Cleanup Cooperative Agreement.  
DISPOSITION = Received and Filed
488. Gerald E. Gangloff to Town Board -  
Notice of intent to retire effective September 29, 2007. DISPOSITION = Received and Filed
489. Erie County Department of Environment & Planning, Division of Sewerage Management to Senior Public Health Engineer -  
Comments regarding The Greens at Pleasant Meadows, Subdivision IV.  
DISPOSITION = Planning Committee
490. Town of Clarence to Supervisor -  
Transmittal of resolution opposing the Governor's proposal regarding siting of windmills. DISPOSITION = Received and Filed
491. Erie County Department of Public Works, Division of Highways to Town Board -  
Notice of Cemetery Road closure between Broadway and Niechter Road.  
DISPOSITION = Received and Filed
492. General Crew Chief to Supervisor -  
Request appointment of three (3) laborers, full-time temporary. DISPOSITION = Resolution 10/1/07
493. Planning Board to Town Board -  
Notice of adjournment to October 3, 2007 meeting regarding review of Senior Housing District, 6029 Broadway; condition noted. DISPOSITION = Received and Filed
494. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held September 19, 2007. DISPOSITION = Received and Filed
495. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Notice of no additional landscape plan necessity regarding final plat submission for Wainwright Court Subdivision. DISPOSITION = Planning Committee
496. Town of Holland to Town Board -  
Transmittal of resolution opposing the Governor's proposal regarding the siting of windmills. DISPOSITION = Received and Filed
497. Emergency Management Coordinator to Town Board -  
Removal of certain members from roster. DISPOSITION = Resolution 10/1/07
498. Emergency Management Coordinator to Town Board -  
Request for additions to roster. DISPOSITION = Resolution 10/1/07
499. Thomas H. Burton, Attorney to Supervisor -  
Letter of commendation to Captain Tim Murphy, and Detectives Dan Rinow and Don Lynch. DISPOSITION = Received and Filed

500. Village of Depew Police Chief to Supervisor -  
Letter of appreciation to Town Office of Emergency Management. DISPOSITION =  
Received and Filed
501. General Crew Chief to Chairman, Tree Planting Committee, Town Board -  
Request resolution awarding contract for stump grinding and restoration to Professional  
Tree Care, Inc. DISPOSITION = Resolution 10/1/07
502. NYS Department of Agriculture and Markets to Town Board -  
Notice of availability of grant program to develop agriculture and farmland protection  
plans. DISPOSITION = Received and Filed
503. Harris Hill Golf Center to Town Clerk -  
Notice of application for renewal of liquor license. DISPOSITION = Received and Filed,  
Police Chief

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL  
MEMBER MONTGOMERY AND CARRIED, the meeting was adjourned at 10:50 P.M. in memory of  
Salvatore J. Ruffino, Albert Kemnitzer and Julia Teter

Signed

  
Johanna M. Coleman, Town Clerk